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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,112	12/26/2001	Andre Rosowsky	48460(70157)	5913

7590                    12/05/2002  
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EXAMINER
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MCKENZIE, THOMAS C

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/890,112	ROSOWSKY, ANDRE	
	Examiner Thomas McKenzie Ph.D.	Art Unit 1624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 26 December 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-26 are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This action is in response to an application filed on 12/26/01. There are twenty-six claims pending. Claims 1-10 are compound claims. Claim 26 is a composition claim. Claims 11-25 are use claims. The application concerns some aromatic compounds, compositions, and uses thereof.

***Election/Restrictions***

2. Restriction is required under 35 U.S.C. 121 and 372. This application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims none drawn to Carbazoles, compounds of Formula I with X = nitrogen and Z = a chemical bond.

Group II, claims none drawn to 9-substituted Acridines.

Group III, claims none drawn to 5-substituted Dibenzazepines.

Group IV, claims none drawn to 5-substituted Dibenzodiazepines.

Group V, claims none drawn to Phenoazazines.

Group VI, claims none drawn to Phenothiazines.

Group VII, claims none drawn to Phenazines.

Group VIII, claims none drawn to all carbon tricyclic compounds.

Group IX, claims none drawn to 11-substituted Dibenzazepines.

Group X, claims none drawn to Dibenzopyrans.

Group XI, claims none drawn to Dibenzothiopyrans.

Group XII, claims none drawn to 10-substituted Acridines.

Group XIII, claims none drawn to N, N-Diphenylamines.

Group XIV, claims none drawn to Diphenylmethanes.

Group XV, claims 19-21 drawn to medical treatment.

Claims 1, 3-7, 9-18, and 26 link Groups I-XIV

Claim 2 links Groups XIII and XIV.

Claim 8 links Groups III and V-XII.

Claims 22-25 link all Groups.

3. The inventions listed as Groups I-XV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the technical feature of claim 1 is the Formula I. Formula I however, cannot be a special technical feature because such compounds are known. For example, Chemische (GB 822,592) teaches the compound of Example 1 on page 2. Example 1 fits Formula I with (Ar) = 3-pyridyl, W = CH<sub>2</sub>, m = n = 0, X = nitrogen and Z = a chemical bond.

The core tricyclic ring systems of formula I range from five to seven membered and contain from zero to two heteroatoms. For groups XIII and XIV, the core ring system is bicyclic. Group XV relates to any compound and requires no structural feature at all.

4. A telephone call was made to Peter Corless on 12/2/02 to request an oral election to the above restriction requirement, but did not result in an election being made. Applicants requested a written restriction requirement. Applicant is advised

that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

### **Conclusion**

5. Please direct any inquiry concerning this communication or earlier communications from the Examiner to Thomas C McKenzie, Ph. D. whose telephone number is (703) 308-9806. The FAX number for before final amendments is (703) 872-9306. The Examiner is available from 8:30 to 5:30, Monday through Friday. If attempts to reach the Examiner by telephone are unsuccessful, you can reach the Examiner's supervisor, Mukund Shah at (703) 308-4716. Please direct general inquiries or any inquiry relating to the status of this application to the receptionist whose telephone number is (703) 308-1235.

*Mukund J. Shah*  
**Mukund Shah**  
**Supervisory Patent Examiner**  
**Art Unit 1624**

TCMcK  
December 2, 2002

